

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMEY MCKEE,

Plaintiff,

v.

M. KNAPP, *et al.*,

Defendants.

No. 4:23-CV-00963

(Chief Judge Brann)

ORDER

AND NOW, this 23rd day of February 2024, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 12) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is **GRANTED**.
2. Plaintiff's First Amendment retaliation claims are **DISMISSED** without prejudice for failure to state a claim upon which relief may be granted.
3. Plaintiff's official capacity claims are **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.
4. Within 21 days from the date of this Order, Plaintiff, if desired, may file an amended complaint.
5. If no amended complaint is timely filed, dismissal of Plaintiff's retaliation claims will automatically convert to dismissal with prejudice and the Court will close this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge